

SSB 5234 - S AMD 34
By Senator Kline

1 On page 5, line 28, after "January 1," strike "2013" and insert
2 "2014"

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4 On page 5, line 33, after "January 1," strike "2014" and insert
5 "2015"

6
7 On page 7, line 1, after "January 1," strike "2013" and insert
8 "2014"

9
10 On page 10, line 13, after "starting in" strike "2012" and insert
11 "2013"

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13 On page 11, line 11, after "June 30," strike "2015" and insert
14 "2016"

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16 On page 14, line 12, after "Beginning in" strike "2012" and insert
17 "2013"

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19 On page 14, line 22, after "December 31," strike "2016" and insert
20 "2017"

21
22 On page 15, beginning on line 1, strike all of section 17 and
23 insert the following:

24
25 **"Sec. 17.** RCW 69.41.030 and 2011 1st sp.s. c 15 s 79 and 2011 c
26 366 s 837 are each reenacted and amended to read as follows:

27

1 (1) It shall be unlawful for any person to sell, deliver, or
2 possess any legend drug except upon the order or prescription of a
3 physician under chapter 18.71 RCW, an osteopathic physician and
4 surgeon under chapter 18.57 RCW, an optometrist licensed under chapter
5 18.53 RCW who is certified by the optometry board under RCW 18.53.010,
6 a dentist under chapter 18.32 RCW, a podiatric physician and surgeon
7 under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a
8 commissioned medical or dental officer in the United States armed
9 forces or public health service in the discharge of his or her
10 official duties, a duly licensed physician or dentist employed by the
11 veterans administration in the discharge of his or her official
12 duties, a registered nurse or advanced registered nurse practitioner
13 under chapter 18.79 RCW when authorized by the nursing care quality
14 assurance commission, an osteopathic physician assistant under chapter
15 18.57A RCW when authorized by the board of osteopathic medicine and
16 surgery, a physician assistant under chapter 18.71A RCW when
17 authorized by the medical quality assurance commission, or any of the
18 following professionals in any province of Canada that shares a common
19 border with the state of Washington or in any state of the United
20 States: A physician licensed to practice medicine and surgery or a
21 physician licensed to practice osteopathic medicine and surgery, a
22 dentist licensed to practice dentistry, a podiatric physician and
23 surgeon licensed to practice podiatric medicine and surgery, a
24 licensed advanced registered nurse practitioner, or a veterinarian
25 licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the
26 above provisions shall not apply to sale, delivery, or possession by
27 drug wholesalers or drug manufacturers, or their agents or employees,
28 or to any practitioner acting within the scope of his or her license,
29 or to a common or contract carrier or warehouse operator, or any
30 employee thereof, whose possession of any legend drug is in the usual
31 course of business or employment: PROVIDED FURTHER, That nothing in
32 this chapter or chapter 18.64 RCW shall prevent a family planning
33 clinic that is under contract with the health care authority from
34 selling, delivering, possessing, and dispensing commercially

1 prepackaged oral contraceptives prescribed by authorized, licensed
2 health care practitioners.

3 (2)The product stewardship program created in chapter 70.-- RCW
4 (the new chapter created in section 22 of this act) may possess and
5 transport drugs provided that the product stewardship program complies
6 with this chapter.

7 (3)(a) A violation of this section involving the sale, delivery,
8 or possession with intent to sell or deliver is a class B felony
9 punishable according to chapter 9A.20 RCW.

10 (b) A violation of this section involving possession is a
11 misdemeanor."

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13 On page 17, beginning on line 36, strike all of section 19 and
14 insert the following:

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16 **"Sec. 19.** RCW 42.56.270 and 2011 1st sp.s. c 14 s 15 are each
17 amended to read as follows:

18 The following financial, commercial, and proprietary information
19 is exempt from disclosure under this chapter:

20 (1) Valuable formulae, designs, drawings, computer source code or
21 object code, and research data obtained by any agency within five
22 years of the request for disclosure when disclosure would produce
23 private gain and public loss;

24 (2) Financial information supplied by or on behalf of a person,
25 firm, or corporation for the purpose of qualifying to submit a bid or
26 proposal for (a) a ferry system construction or repair contract as
27 required by RCW 47.60.680 through 47.60.750 or (b) highway
28 construction or improvement as required by RCW 47.28.070;

29 (3) Financial and commercial information and records supplied by
30 private persons pertaining to export services provided under chapters
31 43.163 and 53.31 RCW, and by persons pertaining to export projects
32 under RCW 43.23.035;

33 (4) Financial and commercial information and records supplied by
34 businesses or individuals during application for loans or program

1 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
2 43.168 RCW, or during application for economic development loans or
3 program services provided by any local agency;

4 (5) Financial information, business plans, examination reports,
5 and any information produced or obtained in evaluating or examining a
6 business and industrial development corporation organized or seeking
7 certification under chapter 31.24 RCW;

8 (6) Financial and commercial information supplied to the state
9 investment board by any person when the information relates to the
10 investment of public trust or retirement funds and when disclosure
11 would result in loss to such funds or in private loss to the providers
12 of this information;

13 (7) Financial and valuable trade information under RCW 51.36.120;

14 (8) Financial, commercial, operations, and technical and research
15 information and data submitted to or obtained by the clean Washington
16 center in applications for, or delivery of, program services under
17 chapter 70.95H RCW;

18 (9) Financial and commercial information requested by the public
19 stadium authority from any person or organization that leases or uses
20 the stadium and exhibition center as defined in RCW 36.102.010;

21 (10)(a) Financial information, including but not limited to
22 account numbers and values, and other identification numbers supplied
23 by or on behalf of a person, firm, corporation, limited liability
24 company, partnership, or other entity related to an application for a
25 horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor
26 license, gambling license, or lottery retail license;

27 (b) Internal control documents, independent auditors' reports and
28 financial statements, and supporting documents: (i) Of house-banked
29 social card game licensees required by the gambling commission
30 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by
31 tribes with an approved tribal/state compact for class III gaming;

32 (11) Proprietary data, trade secrets, or other information that
33 relates to: (a) A vendor's unique methods of conducting business; (b)
34 data unique to the product or services of the vendor; or (c)

1 determining prices or rates to be charged for services, submitted by
2 any vendor to the department of social and health services for
3 purposes of the development, acquisition, or implementation of state
4 purchased health care as defined in RCW 41.05.011;

5 (12)(a) When supplied to and in the records of the department of
6 commerce:

7 (i) Financial and proprietary information collected from any
8 person and provided to the department of commerce pursuant to RCW
9 43.330.050(8); and

10 (ii) Financial or proprietary information collected from any
11 person and provided to the department of commerce or the office of the
12 governor in connection with the siting, recruitment, expansion,
13 retention, or relocation of that person's business and until a siting
14 decision is made, identifying information of any person supplying
15 information under this subsection and the locations being considered
16 for siting, relocation, or expansion of a business;

17 (b) When developed by the department of commerce based on
18 information as described in (a)(i) of this subsection, any work
19 product is not exempt from disclosure;

20 (c) For the purposes of this subsection, "siting decision" means
21 the decision to acquire or not to acquire a site;

22 (d) If there is no written contact for a period of sixty days to
23 the department of commerce from a person connected with siting,
24 recruitment, expansion, retention, or relocation of that person's
25 business, information described in (a)(ii) of this subsection will be
26 available to the public under this chapter;

27 (13) Financial and proprietary information submitted to or
28 obtained by the department of ecology or the authority created under
29 chapter 70.95N RCW to implement chapter 70.95N RCW;

30 (14) Financial, commercial, operations, and technical and research
31 information and data submitted to or obtained by the life sciences
32 discovery fund authority in applications for, or delivery of, grants
33 under chapter 43.350 RCW, to the extent that such information, if
34

1 revealed, would reasonably be expected to result in private loss to
2 the providers of this information;

3 (15) Financial and commercial information provided as evidence to
4 the department of licensing as required by RCW 19.112.110 or
5 19.112.120, except information disclosed in aggregate form that does
6 not permit the identification of information related to individual
7 fuel licensees;

8 (16) Any production records, mineral assessments, and trade
9 secrets submitted by a permit holder, mine operator, or landowner to
10 the department of natural resources under RCW 78.44.085;

11 (17)(a) Farm plans developed by conservation districts, unless
12 permission to release the farm plan is granted by the landowner or
13 operator who requested the plan, or the farm plan is used for the
14 application or issuance of a permit;

15 (b) Farm plans developed under chapter 90.48 RCW and not under the
16 federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to
17 RCW 42.56.610 and 90.64.190;

18 (18) Financial, commercial, operations, and technical and research
19 information and data submitted to or obtained by a health sciences and
20 services authority in applications for, or delivery of, grants under
21 RCW 35.104.010 through 35.104.060, to the extent that such
22 information, if revealed, would reasonably be expected to result in
23 private loss to providers of this information;

24 (19) Information gathered under chapter 19.85 RCW or RCW 34.05.328
25 that can be identified to a particular business;

26 (20) Financial and commercial information submitted to or obtained
27 by the University of Washington, other than information the university
28 is required to disclose under RCW 28B.20.150, when the information
29 relates to investments in private funds, to the extent that such
30 information, if revealed, would reasonably be expected to result in
31 loss to the University of Washington consolidated endowment fund or to
32 result in private loss to the providers of this information; (~~and~~)

33 (21) Financial, commercial, operations, and technical and research
34 information and data submitted to or obtained by innovate Washington

1 in applications for, or delivery of, grants and loans under chapter
2 43.333 RCW, to the extent that such information, if revealed, would
3 reasonably be expected to result in private loss to the providers of
4 this information; and
5 (22) Producer information provided to the medicine return
6 corporation or to the board of pharmacy under section 6 of this act to
7 determine apportionment costs."

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9 **SSB 5234** - S AMD 34
By Senator Kline

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11 On page 1, line 3 of the title, after "amending RCW" strike
12 "69.41.030, 18.64.005," and insert "18.64.005" and on line 4 after
13 "42.56.270;" insert "reenacting and amending RCW 69.41.030;"

14
EFFECT: Make changes to reflect legislative action on
underlying statutes during the 2011 legislative session. Moves
dates back one year.

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